HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 8380 OF 1997

BETWEEN

A. Hanumanthu & another

.....**Petitioners**

And

The Deputy Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi

.....**Respondents**

:: O R D E R::

Counsel for the Petitioners : Shri K. Padmanabha Rao

Counsel for the Respondent : Shri A. Rajasekhar Reddy
Assistant Solicitor General

Dated: 08.08.2006

In this petition, the petitioners have prayed for quashing communications dated 14.01.1997 whereby Government of India rejected their claim for grant of pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme') by treating them as freedom fighters.

The petitioners claimed pension under the 1980 Scheme by contending that they had taken part in Hyderabad Liberation Movement. Their claim has been rejected on the ground that the Screening Committee constituted by the Government of India for considering the cases of those who had taken part in Hyderabad Liberation Movement did not recommend their case.

On the last date of hearing, the Court had, after hearing learned counsel for the parties, adjourned the case for today because Shri A. Rajasekhar Reddy, learned Assistant Solicitor General wanted to produce the recommendations made by the Screening Committee constituted by the Government of India.

Today, Shri Rajasekhar Reddy gave out that the record of the Screening Committee is not presently traceable in the department and submitted that if the petitioners submit documentary evidence in support of their claim for being treated as freedom fighters, who had taken part in Hyderabad Liberation Movement, then their claim would be examined afresh and appropriate decision will be taken by the competent authority.

Since the recommendations of the Screening Committee constituted by the Government of India are not available, it is not possible to adjudicate on the legality of the reasons incorporated in the communications dated 14.01.1997, which are subject matter of challenge in this petition and I feel that ends of justice would be

met by directing that if the petitioners submit evidence before the competent authority of the Government of India in support of their claim for being treated as freedom fighters within the meaning of the 1980 Scheme, then the same will be decided within a maximum period of three months from the date of submission of the application. Ordered accordingly.

The writ petition is disposed of in the manner indicated above.

G.S.SINGHVI, CJ

Note:
The Court Officer is directed to give attested copies of this order to the counsel for the parties.

ksld
08.08.2006